

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

BIOVAIL CORPORATION, BRIAN CROMBIE, KENNETH
HOWLING, EUGENE MELNYK, JOHN MISZUK

Defendant.

No. 08 CV 02979(LAK)

MOTION TO ADMIT
COUNSEL PRO HAC VICE

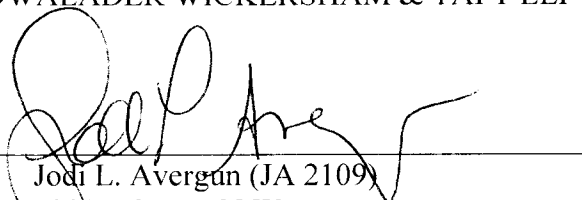
PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern District of New York, I, Jodi L. Avergun, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission *pro hac vice* of

Thomas A. Kuczajda
Cadwalader Wickersham & Taft LLP
1201 F Street, N.W.
Washington, D.C. 20004
(202) 862-2200 (tel.)
(202) 862-2400(fax)

Dated: New York, NY
April 21, 2008

CADWALADER WICKERSHAM & TAFT LLP

By:


Jodi L. Avergun (JA 2109)
1201 F Street, N.W.
Washington, D.C. 20004
(202) 862-2200 (tel.)
(202) 862-2400(fax)

Attorneys for Defendant John Miszuk

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION.

Plaintiff,

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Defendant.

No. 08 CV 02979 [LAK]
ECF CASE

AFFIDAVIT OF JODI L.
AVERGUN IN SUPPORT OF
MOTION TO ADMIT
COUNSEL PRO HAC VICE

I, Jodi L. Avergun, declare pursuant to 28 U.S.C § 1746 that::

1. I am Special Counsel at Cadwalader Wickersham & Taft, LLP, counsel for Defendant John Miszuk in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit Thomas A. Kuczajda as counsel *pro hac vice* to represent Defendant in this matter.

2. I am a member in good standing of the bars of the State of New York and the District of Columbia, and was admitted to practice law in 1998 in New York and 2007 in the District of Columbia. I am also admitted to the bar of the United States District Court for the Southern District of New York and am in good standing with this Court.

3. I have known Mr. Kuczajda since November 2006.

4. Mr. Kuczajda is special counsel at Cadwalader Wickersham & Taft LLP in Washington, D.C. He is a member in good standing of the bars of the State of Maryland and the District of Columbia.

5. I have found Mr. Kuczajda to be a skilled attorney and a person who possesses the utmost integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.

6. Accordingly, I am pleased to move Mr. Kuczajda's admission, *pro hac vice*, to this Court.

7. A true and correct copy of Mr. Kuczajda's Certificates of Good Standing from the bar of the District of Columbia and Maryland are respectfully submitted herewith as Exhibits A and B, respectively.

8. A proposed order granting the admission of Thomas A. Kuczajda, *pro hac vice*, is respectfully submitted herewith as Exhibit C.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 21, 2008.

Dated: New York, NY
April 21, 2008

DISTRICT OF COLUMBIA:ss:



CADWALADER WICKERSHAM & TAFT LLP

By: 

Jodi L. Avergun (JA 2109)
1201 F Street, N.W.
Washington, D.C. 20004
(202) 862-2200 (tel.)
(202) 862-2400(fax)

Attorneys for Defendant John Miszuk

PAUL R. MARTIN
COMMISSION EXPIRES
MARCH 14, 2010



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

THOMAS A. KUCZAJDA

was on the 9TH day of MARCH, 2001

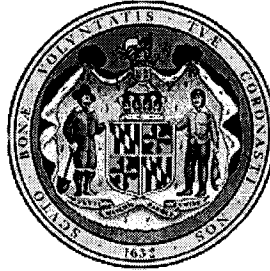
duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on April 14, 2008.

GARLAND PINKSTON, JR., CLERK

By: *[Signature]*
Deputy Clerk

**Court of Appeals
of Maryland
Annapolis, MD**



CERTIFICATE OF GOOD STANDING

STATE OF MARYLAND, ss:

*I, Bessie M. Decker, Clerk of the Court of Appeals of Maryland,
do hereby certify that on the fifteenth day of December, 1999,*

Thomas August Kuczajda

*having first taken and subscribed the oath prescribed by the Constitution and
Laws of this State, was admitted as an attorney of said Court, is now in good
standing, and as such is entitled to practice law in any of the Courts of said
State, subject to the Rules of Court.*

In Testimony Whereof, *I have hereunto
set my hand as Clerk, and affixed the Seal
of the Court of Appeals of Maryland, this
sixteenth day of April, 2008.*

Bessie M. Decker

Clerk of the Court of Appeals of Maryland

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

BIOVAIL CORPORATION, BRIAN CROMBIE, KENNETH
HOWLING, EUGENE MELNYK, JOHN MISZUK

Defendant.

No. 08 CV 02979(LAK)

ORDER FOR ADMISSION
PRO HAC VICE ON
WRITTEN MOTION

Upon the motion of Jodi L. Avergun, attorney for Defendant John Miszuk and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED THAT

Thomas A. Kuczajda
Cadwalader Wickersham & Taft LLP
1201 F Street, N.W.
Washington, D.C. 20004
(202) 862-2200 (tel.)
(202) 862-2400(fax)

is admitted to practice *pro hac vice* as counsel for Defendant John Miszuk in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated: New York, NY
_____, 2008

United States District Judge

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-v-

BIOVAIL CORPORATION, BRIAN CROMBIE, KENNETH
HOWLING, EUGENE MELNYK, JOHN MISZUK,

Defendants.

Index No. 08 CV 02979(LAK)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK:

: SS

COUNTY OF NEW YORK:

Roddie Don Daniels, being duly sworn, deposes and says:

1. I am not a party to this action, am over 18 years of age.
2. On the 23rd day of April, 2008, I served a true and correct copy of the
 - Motion to Admit Counsel Pro Hac Vice

by depositing a true copies thereof enclosed in an official depository under the exclusive care and custody of the US Postal service within the city and state of New York, addressed to the following:

Mark K. Schonfeld
Securities and Exchange Commission
Three World Financial Center
Suite 400
New York, New York 10281-1022

David M. Becker
Shawn H. Chen
Robin M. Bergen
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Mara Leventhal
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485 Lexington Avenue, 30th Floor
New York, New York 10017

Michael Rivera
Fried Frank Harris Shriver & Jacobson LLP
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004


Roddie Don Daniels

Sworn to before me on this
23rd day of April 2008



NEIL A. ELLMAN
Notary Public, State of New York
No. 41-4661078
Qualified in Queens County
Certificate filed in New York County
Commission Expires 2/28/10